

INTER-OFFICE COMMUNICATIONS

Palm Beach County, Florida

Richard Iavarone, Finance

TO: John Sansbury, County Administrator  
Lisa Heasley, County Attorney's Office  
Herb Kahlert, County Engineer  
David Bludworth, State Attorney  
Joy Shearer, Asst. Attorney General  
Captain Cook, Sheriff's Dept. -Civil  
Frank Schulz, Sheriff's Office  
Bob Basehart, Planning, Zoning & Bldg.  
Bob Palchanis, Building Division, Director  
Maureen Cullen, Assistant County Attorney  
Patty Young -4th District Court of Appeals  
Law Library

DATE: October 8, 1985

(2) County Library

Budget Dept., Leonard Loy  
Tom McLaughlin, Finance  
FROM: John W. Dame, Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

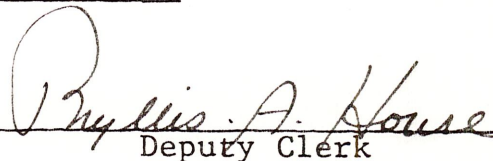
ORDINANCE NO. 85-32

TITLE REFERENCE:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
PALM BEACH COUNTY, FLORIDA, CREATING THE FLORIDA  
ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY;  
PROVIDING DEFINITIONS; PROVIDING FOR THE  
ESTABLISHMENT OF A RESEARCH AND DEVELOPMENT PARK;  
PROVIDING FOR MEMBERSHIP, POWERS, AND DUTIES OF THE  
AUTHORITY; PROVIDING THAT REVENUE BONDS ISSUED BY THE  
AUTHORITY SHALL NOT PLEDGE THE CREDIT OF THE STATE OF  
FLORIDA OR THE COUNTY OF PALM BEACH; EXEMPTING BONDS  
ISSUED BY THE AUTHORITY FROM TAXATION; PROVIDING  
SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Attached is a copy of the above referenced Ordinance of Palm Beach  
County. This Ordinance has been filed with Florida Department of State  
and forwarded to Municipal Code Corporation for codification. The  
effective date is October 7, 1985.

Signed

  
Deputy Clerk

JWD:

Attachment

\* cc: Commissioners, BCC  
Clerk  
Minutes

\*If a complete copy of ordinance is needed, please advise this office  
and we will be happy to provide a copy.

ORDINANCE NO. 85-32

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
PALM BEACH COUNTY, FLORIDA, CREATING THE FLORIDA  
ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY;  
PROVIDING DEFINITIONS; PROVIDING FOR THE  
ESTABLISHMENT OF A RESEARCH AND DEVELOPMENT PARK;  
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AUTHORITY SHALL NOT PLEDGE THE CREDIT OF THE STATE OF  
FLORIDA OR THE COUNTY OF PALM BEACH; EXEMPTING BONDS  
ISSUED BY THE AUTHORITY FROM TAXATION; PROVIDING  
SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach  
County, Florida, passed Resolution #84-1745 proposing the establishment  
of a Research and Development Authority for Palm Beach County; and

WHEREAS, pursuant to §23.1491(2), Florida Statutes, the Florida  
Research and Development Commission has, by its Final Order, issued a  
designation to the Florida Atlantic Research and Development Authority;  
and

WHEREAS, Section 159.704(3), F.S., states that upon designation  
of a Research and Development Authority by the Florida Research and  
Development Commission, the governing body of the County may, by  
enactment of an ordinance, create the Research and Development Authority.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:

Section 1. This ordinance is enacted by the Board of County  
Commissioners of Palm Beach County, Florida, pursuant to its powers under  
Part V of Chapter 159, Florida Statutes (ss. 159.701-159.7095, F.S.).

Section 2. Definitions -- As used in this ordinance:

(a) "Authority" or "research and development authority"  
means the public corporation created pursuant to this ordinance and  
ss.159.701-159.7095, F.S.

(b) "Board" means the Board of County Commissioners of  
Palm Beach County, Florida.



1 (c) "Bonds" or "Revenue Bonds" means the bonds authorized  
2 to be issued by any authority under ss.159.701-159.7095, F.S., which  
3 shall include a single bond, a promissory note or notes, or other debt  
4 obligations evidencing an obligation to repay borrowed money.

5 (d) "Commission" means the Florida Research and  
6 Development Commission created pursuant to ss.23.147, F.S.

7 (e) "Costs" as applied to a project, shall embrace the  
8 cost of construction; land or rights in land; other property, both real  
9 and personal; machinery and equipment; financing charges, including  
10 interest; and all other costs necessary for placing the project in  
11 operation as defined in the Florida Industrial Development Financing Act.  
12 "Costs" shall also include the cost of financial consultants,  
13 accountants, legal services, engineering and architectural services,  
14 feasibility studies, and services by other consultants and such experts  
15 as may be selected by the lessee of any such project if the cost thereof  
16 shall be paid by the lessee or shall be included as a cost of the project  
17 and reimbursed from proceeds of any bond issued to finance the cost of  
18 such project.

19 (f) "Florida Industrial Development Financing Act" means  
20 ss.159.25-159.43, F.S., and any amendments thereto, and the definitions  
21 contained therein shall also be applicable to this ordinance and ss.  
22 159.701-159.7095, F.S., and to any bonds issued pursuant thereto.

23 (g) "Project" means any capital project comprising a  
24 research and development park or any part thereof including one or more  
25 buildings and other structures, machinery, fixtures, equipment, and any  
26 rehabilitation or addition to any buildings or structure and machinery  
27 and equipment as defined in the Florida Industrial Development Financing  
28 Act.

29 Section 3. Creation of the Research and Development Authority.  
30 There is hereby created a public body corporate and politic to be known  
31 as the Florida Atlantic Research and Development Authority, hereafter  
32 referred to as Authority. The Authority is constituted as a public  
33 instrumentality for the purposes of development, operation, management  
34 and financing of a research and development park, and the exercise by the  
35 authority of the powers conferred by this ordinance and by Part V of

Chapter 159, F.S., or similar statutes, and as such statutes may from time to time be amended, shall be deemed and held to be the performance of an essential public purpose and function.

Section 4. Membership of the Authority.

(a) The initial terms of the members of the Authority as appointed by their respective county shall be as follows:

1. Palm Beach .....4 years
2. Palm Beach .....3 years
3. Palm Beach .....1 year
4. Broward .....4 years
5. Broward .....2 years
6. Broward .....4 years

The President of Florida Atlantic University or his/her designee shall be a permanent member of the Authority. Each member shall continue to serve until a successor has been appointed and qualified. At least three members of the Authority shall be appointed who are employed in the private sector and who are residents of Palm Beach County.

(b) Hereafter the Board of County Commissioners of Palm Beach County shall appoint for terms of four (4) years each a member or members to succeed those Palm Beach County representatives whose terms expire. The Board shall fill any vacancy for an unexpired term. A member of the Authority shall be eligible for reappointment. Any member of the Authority representing Palm Beach County may be removed by the Board for misfeasance, malfeasance, or willful neglect of duty.

Each member of the Authority before assuming office shall take and subscribe the oath or affirmation required by the State Constitution. A record of each such oath shall be filed with the Department of State and with the Clerk of the Circuit Court.

(c) The Authority shall annually elect one of its members as Chairman and one as Vice-Chairman and may also appoint a Secretary who shall serve at the pleasure of the Authority and who shall receive such compensation as may be fixed by the Authority.

(d) The Secretary shall keep a record of the proceedings of the Authority and shall be custodian of all books and records of the Authority and of its official seal.



1 (e) Four (4) members of the Authority shall constitute a  
2 quorum and the affirmative vote of the majority of the members present  
3 shall be necessary for any action taken by the Authority. No vacancy in  
4 the membership of the Authority shall impair the right of a quorum to  
5 exercise all rights and perform all the duties of the Authority. Any  
6 action taken by the Authority under the provisions of this ordinance and  
7 ss.159.701-159.7095, F.S., may be authorized by resolution at any regular  
8 or special meeting and each such resolution shall take effect immediately  
9 and need not be published or posted.

10 (f) The members of the Authority shall receive no  
11 compensation for the performance of their duties hereunder, but each such  
12 member may be paid necessary expenses incurred while engaged in the  
13 performance of such duties, as allowed by law.

14 (g) The Authority may appoint such other officers as it  
15 may deem necessary, who may receive such compensation as may be fixed by  
16 the Authority.

17 Section 5. Powers of the Authority.

18 The Authority is authorized and empowered:

19 (a) To have perpetual succession as a body politic and  
20 corporate and to adopt by-laws for the regulation of its affairs and the  
21 conduct of its business.

22 (b) To adopt an official seal and alter the same at its  
23 pleasure.

24 (c) To maintain an office at such place or places as it  
25 may designate.

26 (d) To sue and be sued in its own name and to plead and  
27 be impleaded.

28 (e) To enter into contracts and to act to advance for any  
29 of the purposes enumerated in this ordinance and ss.159.701-15.7095,  
30 F.S., and also in the Florida Industrial Development Financing Act.

31 (f) To issue revenue bonds or other debt obligations  
32 repayable solely from revenues derived from the sale, operation or  
33 leasing of such capital projects subject to the approval of the Board of  
34 County Commissioners of Palm Beach County, for projects situated in Palm  
35 Beach County.

1                   (g) To exercise all powers in connection with the  
2 authorization, issuance, and sale of revenue bonds to finance the costs  
3 of capital projects conferred upon counties, municipalities, special  
4 districts and other local governmental bodies by the Florida Industrial  
5 Development Financing Act. The issuance of such bonds for projects  
6 situated in Palm Beach County shall be subject to approval by the Board  
7 of County Commissioners of Palm Beach County. All of the privileges,  
8 benefits, powers and terms of said Act shall be fully applicable to the  
9 Florida Atlantic Research and Development Authority. Industrial  
10 Development Revenue Bonds may be authorized, issued and sold by the  
11 Florida Atlantic Research and Development Authority in compliance with  
12 the criteria and requirements set forth in this ordinance and the Florida  
13 Industrial Development Financing Act. The bonds of each issue shall be  
14 dated, bear interest at such rate or rates, mature at such time or times,  
15 be redeemable prior to maturity at such price or prices, be in such  
16 denominations, contain such recitals and be sold for such price or prices  
17 in such manner as provided in said Act. Projects may be acquired,  
18 constructed, leased, operated or sold in the manner provided in said Act;  
19 and the items of costs as enumerated therein may be included at project  
20 costs. The repayment of bonds issued by the Florida Atlantic Research  
21 and Development Authority may be secured by trust agreements or security  
22 agreements as set forth in said Act; and fees, rents and charges for the  
23 use of any project, may be collected and fixed by the Authority in the  
24 manner provided in said Act. All monies received pursuant to the  
25 provisions of this ordinance and ss.159.701-159.7095, F.S., shall  
26 constitute trust funds as provided in the Florida Industrial Development  
27 Financing Act. The remedies provided by said Act shall also be  
28 applicable to bonds issued pursuant to this ordinance and  
29 ss.159.701-159.7095, F.S., and bonds of the Authority may be refunded in  
30 the manner provided therein and shall be eligible for investment as  
31 provided in said Act.

32                   (h) To acquire by lease, purchase or option, real or  
33 personal property for use as a site for the location of a research and  
34 development park project as defined in the Florida Industrial Development  
35 Financing Act. The Florida Atlantic Research and Development Authority



1 shall have the power to prepare sites for use as the location of a  
2 research and development park and may construct thereon access roads,  
3 drainage facilities, utilities and other improvements necessary for  
4 ultimate use by research and development projects. The acquisition,  
5 development and financing of such sites may be in the manner provided in  
6 this ordinance and ss.159.701-159.7095, F.S., as well as in the Florida  
7 Industrial Development Financing Act.

8 (i) In any case in which an addition to a project is  
9 financed or in which less than the entire project is financed or  
10 refinanced by industrial redevelopment bonds, to secure the issuance and  
11 repayment of such bonds by a lease, mortgage or other security instrument  
12 encumbering only the capital improvements which are financed by the  
13 Florida Atlantic Research and Development Authority. Such lease,  
14 mortgage, or other security instrument may include a security interest in  
15 both the land and personal property or may include a lease, mortgage or  
16 other security instrument sufficient for the purpose encumbering only the  
17 personal property, including machinery and equipment, which is being  
18 financed. In financing projects, the Florida Atlantic Research and  
19 Development Authority may lease such projects to the industry which is  
20 the ultimate user until the debt obligations issued for such purpose are  
21 retired, or it may sell such capital projects to the industry using the  
22 project on an installment purchase contract or other type of purchase  
23 contract with such security instruments or trust agreements as the  
24 Florida Atlantic Research and Development Authority shall deem adequate,  
25 in which case the transaction shall be deemed to be a sale and not a  
26 lease of such projects.

27 (j) Other provisions of law to the contrary  
28 notwithstanding, to acquire by lease, without consideration, purchase, or  
29 option, any lands owned, administered, managed, controlled, supervised or  
30 otherwise protected by this State or any of its agencies, departments,  
31 boards, or commissions for the purpose of establishing a research and  
32 development park.

33 (k) To transact any and all lawful business not  
34 inconsistent with this ordinance and applicable Florida statutes, and to

1 have and exercise all powers and authority necessary or convenient to  
2 effect its lawful purposes.

3 Section 6. Credit of State or County not pledged.

4 (a) The revenue bonds issued by the Florida Atlantic  
5 Research and Development Authority shall not be deemed to constitute a  
6 debt, liability or obligation of any authority or Palm Beach County or of  
7 the State of Florida or any political subdivision thereof; and such  
8 revenue bonds or debt obligation shall be payable solely from revenues  
9 derived from the sale, operation, or leasing of a project or projects.

10 (b) All bonds issued under the provisions of this  
11 ordinance and ss.159.701-159.7095, F.S., shall have, and are declared to  
12 have, all the qualities and incidents, including negotiability, of  
13 investment securities under the Uniform Commercial Code.

14 (c) Bonds may be issued under the provisions of this  
15 ordinance and ss.159.701-159-7095, F.S., without obtaining, except as  
16 otherwise provided in this ordinance and ss.159.701-159.7095, F.S., the  
17 consent of any department, commission, board, bureau or agency of this  
18 state and without any other proceedings or the happening of any  
19 conditions, except those which are specifically required by the  
20 provisions of this ordinance, the resolution authorizing the issuance of  
21 such bonds or the trust agreement securing same.

22 Section 7. Tax Exemptions.

23 The exercise of all powers granted by this ordinance and  
24 ss.159.701-159.7095, F.S., in all respects will be for the benefit of the  
25 people of this state, for the increase of their industry and prosperity  
26 and the improvement of their health and living conditions, and for the  
27 provision of gainful employment and will constitute the performance of  
28 essential public functions.

29 The Florida Atlantic Research and Development Authority shall  
30 not be required to pay any taxes on any project or any other property  
31 owned by the Authority under the provisions of this ordinance and  
32 ss.159.701-159.7095, F.S., or upon the income therefrom, and the bonds  
33 issued under the provisions of this ordinance and ss.159.701-159.7095,  
34 F.S., their transfer and the income therefrom, including any profit made  
35 on the sale thereof, shall at all times be free from taxation by the



1 State of Florida or any local unit or political sub-subdivision or other  
2 instrumentality of this state. Nothing in this section, however, shall  
3 be construed as exempting from taxation or assessments the leasehold  
4 interest of any lessee of any project or any property or interest owned  
5 by any lessee. The exemption granted by this section shall not be  
6 applicable to any tax imposed by Chapter 220, F.S., on interest, income,  
7 or profits on debt obligations owned by corporations.

8 Section 8. Issuance of Bonds.

9 The bonds issued under this ordinance and ss.159.701-159.7095,  
10 F.S., may be validated in the manner prescribed by Chapter 75, F.S.

11 Section 9. Severability.

12 If any provision of this ordinance or the application thereof  
13 to any person or circumstance is held invalid, the invalidity shall not  
14 affect other provisions or applications of the ordinance which can be  
15 given effect without the invalid provision or application, and to this  
16 end the provisions of this ordinance are declared severable.

17 Section 10.

18 That the Board hereby authorizes the appropriation of the sum  
19 of Fifty Thousand (\$50,000) Dollars to the Authority, pursuant to a  
20 written agreement, to be signed by the County Administrator, which shall  
21 provide the general terms regarding the expenditure, use and accounting  
22 of such funds by the Authority.

23 Section 11.

24 This ordinance shall take effect upon the filing with the  
25 Office of the Secretary of State in the manner prescribed by Section  
26 125.66, F.S.

27 REPEAL OF LAWS IN CONFLICT

28 All local laws and ordinances applying to the unincorporated  
29 area of Palm Beach County in conflict with any provisions of this  
30 ordinance are hereby repealed.

31 INCLUSION IN THE CODE OF LAWS AND ORDINANCES

32 The provisions of this ordinance shall become and be made a  
33 part of the code of laws and ordinances of Palm Beach County, Florida.  
34 The Sections of the ordinance may be renumbered or relettered to

1 accomplish such, and the word "ordinance" may be changed to "section,"  
2 "article," or any other appropriate word.

3 EFFECTIVE DATE

4 The provisions of this ordinance shall become effective upon  
5 receipt of acknowledgement by the Secretary of State.

6 APPROVED AND ADOPTED by the Board of County Commissioners of  
7 Palm Beach County, Florida, on the 24th day of September, 1985.

8 PALM BEACH COUNTY, FLORIDA, BY ITS  
9 BOARD OF COUNTY COMMISSIONERS

10 By J. K. Adams  
11 Chairman

12 APPROVED AS TO FORM AND  
13 LEGAL SUFFICIENCY

14 Maureen Cullen  
15 County Attorney

16 Acknowledgement by the Department of State of the State of  
17 Florida, on this, the 3rd day of October, 1985.

18 EFFECTIVE DATE: Acknowledgement from the Department of State  
19 received on the 7th day of October, 1985, at 4:30  
20 P..M., and filed in the Office of the Clerk of the Board of County  
21 Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, JOHN B. DUNKLE, ex-officio Clerk of the  
Board of County Commissioners certify this to  
be a true and correct copy of the original as filed  
my office on 9/24/85  
DATED at West Palm Beach, FL on 10/9/85  
JOHN B. DUNKLE, Clerk,  
By: Phyllis A. Housh D.C.